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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated: 16th day of June 1998

Before  
THE HON'BLE Mr.JUSTICE V.GOPALA GOWDA

WRIT PETITION No.12584/92

Between:

T.S.Pandu,  
S/o.Sonne Gowda,  
Diploma Holder,  
Office of the Assistant  
Executive Engineer,  
Zilla Parishad Sub-Divn.,  
Somwarpet, Coort Dist,, ...PETITIONER

(By Sri Vigneswara S.Shastry)

And:

1. The State of Karnataka  
Represented by Rural  
Development & Panchayat  
Raj Department,  
M.S.Building,  
Bangalore.
2. The Zilla Parishad,  
Coorg,  
by its Chief Secretary.
3. The Eecutive Engineer,  
Zilla Parishad  
Engineering Division,  
Madikeri, Coort Dist,.
4. The Asst.Executive Engineer,  
Zilla Parishad,  
Engineering Sub-Division,  
Somwarpet, Coort Dist,.
5. The Asst.Executive Engineer,  
No.2, P.W.D Sub-Division,  
Somwarpet, Coorg District. .RESPONDENTS

(By Smt.Bharathi Nagesh,  
A.G.A for R-1.  
Sri B.J.Somayaji,  
Advocate for R-2).

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W.P is filed under Articles 226 and 227 of the Constitution of India praying to quash the order at Annexure-D dated 6-3-1991 passed by the 3rd respondent and for a Mandamus directing the respondents to reinstate and regularise the services of the petitioner as Junior Engineer with all backwages and continuity of service.

This W.P coming on for hearing this day, the Court made the following:-

ORDER

The petitioner has sought for quashing the order at Annexure-D dated 5-3-1991 passed by the 3rd respondent holding that it is not possible to continue and confirm the petitioner and another person on daily wages. The petitioner has further sought for a direction to the respondents to reinstate and regularise his services with all back wages and continuity of service.

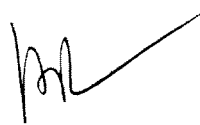
2. According to the petitioner, he was appointed on daily wages with effect from 16-3-1988 under Annexure-A. Earlier, he had filed W.P.No.19214/89 and in view of the decision of the Supreme Court in the case of

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DHARWAD DISTRICT P.W.D LITERATE DAILY WAGES  
EMPLOYEES ASSOCIATION vs STATE OF KARNATAKA  
(A.I.R 1990 S.C 883), this Court passed an  
order on 14-3-1990 as per Annexure-C directing  
the respondents to examine the case of the  
petitioner in the light of the Supreme Court  
decision and to pass appropriate orders.

3. It is seen that even though this Court  
granted interim order on 26-10-1989 staying  
termination of the service of the petitioner,  
the services of the petitioner were terminated  
from 16-10-1989 after the completion of  
certain civil work. Since he was removed from  
the service even before passing of the stay  
order, he was not in service as on the date of  
the decision of the Supreme Court referred to  
above. Therefore, the petitioner is not  
entitled for the reliefs sought for in this  
writ petition.

4. The petition stands dismissed.  
However, the petitioner is at liberty to make  
representation to the respondents setting-out  
the facts and circumstances and seek  
re-employment. If such a representation is



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made, the respondents may consider the same on  
humanitarian grounds <sup>& keeping in view the law declared by the Appellate Court</sup> and dispose of the same <sup>refer above</sup>  
within a period of four weeks from the date of receipt <sup>of</sup> such representation. <sub>u</sub>

Sd/-  
JUDGE

MP  
300698

